

March 24 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0676

FILED

MAR 24 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

CITY OF BILLINGS,

Plaintiff and Appellee,

v.

ORDER

WILLIAM NIGRO,

Defendant and Appellant.

William Nigro (William) has filed a motion for leave to proceed without paying the filing fee and requested a 30 day continuance to secure the services of counsel. William has shows that he receives Social Security Disability benefits and that he is unable to pay the filing fee. William also states that he has crippling disabilities and serious vision deficits. He claims the cold weather during January and February left him homebound and unable to attend to this appeal.

We note the opening brief was due on February 28, 2010. William states that he personally served the motion for a continuance upon opposing counsel. The record reflects that no objection has been filed.

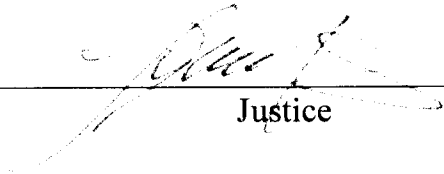
## IT IS ORDERED:

1. Leave to proceed without paying the filing fee is GRANTED.
2. The motion for a continuance of 30 days is GRANTED. William shall have 30 days from the date of this Order in which to file an opening brief on appeal whether or not he retains counsel. The brief shall be filed on or before April 23, 2010 at 5:00 p.m. Failure to do so may result in summary dismissal of this appeal.

The Clerk is directed to provide a copy of this Order to William and to counsel of record.

DATED this 24<sup>th</sup> day of March, 2010.

For the Court,

  
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Justice